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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 AKLIKLU YOHANNES,

10 Plaintiff,

11 v.

12 OLYMPIC COLLECTION, INC., *et al.*,

13 Defendants.
14

Case No. C17-509RSL

ORDER DENYING MOTION
FOR DISQUALIFICATION
AND DENYING MOTION
FOR SANCTIONS

15 This matter comes before the Court on plaintiff's "Motion for the Disqualification of the
16 Defendants' Attorney," Dkt. # 52, and defendants' "Motion for Imposition of Sanctions," Dkt.
17 # 54. In the first motion, *pro se* plaintiff Akliklu Yohannes seeks to disqualify defense counsel
18 Michael O'Meara. Washington Rule of Professional Conduct 1.7 provides that an attorney is
19 presumptively disqualified from representing a particular client if representation involves a
20 concurrent conflict of interest. RPC 1.7(a). A concurrent conflict exists if, among other things,
21 there is significant risk that a lawyer's personal interest will materially limit representation of
22 the client. Id.

23 Mr. Yohannes's most persuasive argument rests on Mr. O'Meara's alleged role in this
24 case's underlying dispute. The complaint stems from defendants' debt-collection efforts, which
25 Mr. Yohannes alleges violated various federal laws. He also alleges that Mr. O'Meara acted as
26 defendants' attorney in those collection efforts and that Mr. O'Meara has a personal interest in
27 this case's outcome because he faces liability for his participation. Mr. Yohannes has not added
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1 Mr. O'Meara as a party, so there is no risk of direct liability from this case's outcome. Compare
2 In re Marriage of Wixom & Wixom, 182 Wn.App. 881, 898 (2014) (finding conflict where
3 attorney was also a party to the appeal). Mr. Yohannes does not otherwise identify a particular
4 way in which Mr. O'Meara's personal interests pose a substantial risk of materially limiting his
5 representation of defendants. See RPC 1.7.

6 Mr. Yohannes's other arguments are either unavailing or irrelevant to whether Mr.
7 O'Meara should be disqualified. Mr. Yohannes alleges various violations of state and federal
8 laws related to debt collection. Mr. Yohannes could sue Mr. O'Meara himself or lodge a
9 complaint with the state bar, but a motion to disqualify is not the proper vehicle for raising those
10 concerns. In addition, assertions in defendants' responsive pleading that Mr. Yohannes simply
11 disagrees with do not amount to frivolous arguments that merit disqualification.

12 For their part, the defendants move for sanctions, arguing that plaintiff's motion is
13 frivolous and filed in bad faith. Dkt. # 54. Even though the Court denies Mr. Yohannes's
14 motion, the motion does not rise to the level of being worthy of sanctions. Mr. O'Meara's dual
15 role of representing defendants here and in collection efforts at least implicates relevant interests
16 for conflict purposes. The Court has concluded that dual role does not merit disqualification, but
17 the argument is not entirely frivolous.

18 For the foregoing reasons, Mr. Yohannes's motion to disqualify, Dkt. # 52, is DENIED;
19 and defendants' motion for sanctions, Dkt. # 54, is DENIED.

20 DATED this 17th day of August, 2018.

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23 Robert S. Lasnik
24 United States District Judge
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